

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14689 of Parker H. and Mary W. Jayne, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a nonconforming structure now exceeding the allowable percentage of lot occupancy requirements (Sub-section 2001.3), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the percentage of lot occupancy requirements (Sub-section 403.2) in an R-4 District at premises 100 - 12th Street, S.E., (Square 1014, Lot 11).

HEARING DATE: October 14, 1987

DECISION DATE: October 14, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site known as premises 100 - 12th Street, S.E., is located at the southeast quadrant of the intersection of 12th Street and East Capitol Street. The site is located in an R-4 District.

2. The site is irregularly shaped with a frontage of 20 feet along East Capitol Street and 75.50 feet along 12th Street. The site is improved with a three and one half story brick structure built circa 1910. On May 12, 1958, the effective date of the current Zoning Regulations, the structure became nonconforming with regard to lot occupancy and rear yard setbacks.

3. The R-4 District extends in all directions from the site. The neighborhood is developed with row dwellings and apartments.

4. Pursuant to 11 DCMR 3107.2 the applicants are seeking a variance to allow an addition to the nonconforming structure now exceeding the allowable percentage of lot occupancy requirements (Sub-section 2001.2), a variance from the rear yard requirements (Sub-section 404.1) and a variance from the percentage of lot occupancy requirements (Sub-section 403.2).

5. The addition will consist of a bay projection at the first floor and basement level of the structure. Circulation patterns and habits have altered since the house was originally designed. The original kitchen was designed for servants and is a very confined space. The addition is

intended to provide space for maneuvering and seating in the kitchen.

6. Landscaped public space is located adjacent to the north and west sides of the structure.

7. A garage originally located to the rear, or south of the structure was removed prior to 1970 providing an open rear yard.

8. The proposed bay addition would extend into an area now occupied by a rear staircase.

9. A large tree screens the rear yard of the subject structure from the patios of the houses located to the rear of the site.

10. A letter dated October 7, 1987, Advisory Neighborhood Commission 8B reported that it voted to recommend approval of the application for the following reasons:

- A. the proposed addition (seating bay) would extend part of the first floor only; it is diminutive and marginal in scale, and would replace, in part, an existing structure (stairway) and would not add substantially to lot occupancy;
- B. the proposed extensions would not substantially impair the zoning regulations;
- C. testimony indicates that the project will not impinge on neighbors' access to air and light, and will not seriously diminish the existing open space;
- D. the residence has a sizeable amount of open green space that "wraps around" the sides and front of the lot;
- E. there appear to be no objections from neighbors or community residents; and
- F. other options, such as interior reconstruction, could do violence to interior features worth preserving in a dwelling in an historic district.

The Board concurs with the reasoning and recommendation of the ANC.

11. Neighbors of the site submitted letters to the record in support of the application.

12. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence that the application meets the requirements of 11 DCMR 3107.1. Sub-section 2001.3 prohibits the enlargement of a nonconforming structure that already exceeds the lot occupancy requirements. Sub-section 403.2 allows a lot occupancy of 60 percent of 1,063.75 feet for the site. The existing structure occupied 1,242.25 square feet. The proposed addition will occupy 45.38 square feet resulting in a total lot occupancy of 1,287.63 square feet necessitating a variance of 223.38 square feet or 21.05 percent. Sub-section 404.1 requires that a rear yard of 20 feet be provided for the site. The bay projection will be located 9.5 feet from the far property line necessitating a variance of 10.5 feet or 52.5 percent.

The Board concludes that the applicants have met the burden of proof. The structure was constructed prior to the effective date of the current Zoning Regulations and is nonconforming with regards to lot occupancy. The configuration of the structure's space is not adequate to meet modern living requirements. The Board notes that the proposed addition would be small and unobtrusive. The Board further notes that the structure is surrounded on the north and west side by public space which is landscaped to give the appearance of a larger lot area than actually exists.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.


The Board further concludes that it has afforded to the ANC the "great weight" to which it is entitled.

Accordingly, it is hereby ORDERED that the application is granted SUBJECT to the conditions that construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 5-0 (Maybelle T. Bennett, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: NOV 9 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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